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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,933	02/08/2000	Kyu Tae Park	300055.443	1909
500	7590	12/16/2004	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			STEVENS, ROBERTA A	
701 FIFTH AVE			ART UNIT	PAPER NUMBER
SUITE 6300				
SEATTLE, WA 98104-7092			2665	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/499,933	PARK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Roberta A Stevens	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 09-17-2004.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-7 and 9-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 and 9-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by

**DeClerck (U.S. 6198937 B1).**

3. Regarding claims 1, DeClerck teaches (figs. 2 and 3) a hard handoff method from an asynchronous (3G) CDMA base station to a synchronous (2G) CDMA base station, comprising:  
a first step of the synchronous (2G) CDMA base station transmitting asynchronous (3G) CDMA channels including an asynchronous (3G) CDMA synchronization (2G) channel and an asynchronous (3G) CDMA common pilot channel () to a mobile terminal that is in communication with the asynchronous (3G) CDMA base station with a purpose of synchronizing a handoff time at the synchronous (2G) CDMA base station; a second step of, on the basis of a result of measuring an intensity of the synchronous CDMA channels, the mobile terminal reporting the measured result to the synchronous CDMA base station column 17, lines 28-37); a third step of the asynchronous CDMA base station transmitting a handoff request message to the synchronous CDMA base station on the basis of the measured result reported to the asynchronous CDMA base station; a fourth step of the synchronous (2G) CDMA base station which receives the handoff request message transmitting an information to the asynchronous

(3G) CDMA base station, wherein the information is necessary to perform the hard handoff; and a fifth step of the mobile terminal performing the hard handoff to the synchronous (2G) CDMA base station, by using the information that is received through a traffic channel from the asynchronous (3G) CDMA base station (col. 5 – col. 6, line 50).

4. Regarding claim 2, **DeClerck** teaches (figs. 2 and 3) transmitting the asynchronous (3G) CDMA synchronization channel and the asynchronous (3G) CDMA common pilot channel; an synchronizing the asynchronous (3G) CDMA synchronization channel and the asynchronous (3G) CDMA common pilot channel with a starting point of a synchronous (2G) pilot channel transmitted from the synchronous (2G) CDMA base station.

5. Regarding claim 3, **DeClerck** (fig. 2) teaches () measuring an intensity of the signals received from the asynchronous (3G) CDMA base station and the synchronous (2G) CDMA base station using the asynchronous (3G) CDMA synchronization channel and the asynchronous (3G) CDMA common pilot channel; reporting the intensity of the signals and an information regarding the synchronous CDMA base station if the intensity of the signals from the synch (2G) CDMA base station is bigger than an intensity of signals received from the asynch (3G) CDMA base station by a predetermined value; and returning to the measuring step if the intensity of the signals from the synch (2G) CDMA base station is not bigger than an intensity of signals received from the asynch (3G) CDMA base station by a predetermined value.

Art Unit: 2665

6. Regarding claim 4, **DeClerck** teaches (col. 3, line 61 - col. 4, line 53 and figs. 2 and 3)) the information necessary to perform the hard handoff includes a starting point of the hard handoff, a long code state at the starting point of the hard handoff, an offset index of a pilot PN sequence, a code channel index used in a forward traffic channel, and an offset value regarding the traffic channel. These values are inherent in DeClerck's system and any system involving hard or soft hand-off.

7. Regarding claim 5, **DeClerck** teaches (fig. 1) receiving an information from the asynch (3)CDMA base station through the traffic channel; releasing the traffic channel established with the asynch (3G) CDMA base station and establishing a traffic channel with synch (2G) CDMA base station; exchanging an available frame between the mobile terminal and the synch (2G) CDMA base station through the established traffic channel and confirming handoff completion; and releasing the resources between the asynch (3G) CDMA base station and a switch the synch (2G) CDMA base station reporting the handoff completion to the switch.

8. Regarding claim 6, **DeClerck** teaches (col. 3, line 61 - col. 4, line 53 and figs. 2 and 3)) the traffic channel between the mobile terminal and the synch (2G) CDMA base station is established using the starting point of the hard handoff, the long code state at the starting point of the hard handoff, the offset index of the pilot PN sequence, the code channel index used in the forward traffic channel, and the offset value regarding the traffic channel. These values are inherent in DeClerck's system and any system involving hard or soft hand-off.

9. Regarding claim 7, **DeClerck** teaches (col. 3, line 61 - col. 4, line 53) the starting point of the hard handoff is determined by calculating how many frames of the common pilot channel have passed at the asynch (3G) CDMA base station from the moment when the mobile terminal receives the information.

10. Regarding claims 9 **DeClerck** teaches (figs 2 and 3) a mobile terminal capable of performing a hard handoff from an asynchronous (3G) CDMA base station to a synchronous (2G) CDMA base station, wherein the terminal is arranged to perform steps comprising: receiving asynchronous (3G) CDMA channels including an asynchronous (3G) CDMA synchronization channel and an asynchronous (3G) CDMA common pilot channel from the synchronous (2G) CDMA base station while being in communication with the asynchronous (3G) CDMA base station; reporting a measured result to the asynch (3G) CDMA base station on the basis of an intensity of the asynch (3G) CDMA channels received from the synch (2G) CDMA base station, wherein the measured result is used in order for the asynch (3G) CDMA base station to transmit a handoff request message to the synch (2G) CDMA base station which subsequently transmits a handoff information to the synch (2G) CDMA base station; and performing the hard handoff to the synch (2G) CDMA base station by using the handoff information which is received through a traffic channel from the asynch (3G) CDMA base station (figs. 2 and 3 and col. 5 – col. 6, line 50).

11. Regarding claims 10 **DeClerck** teaches (fig. 1) in a dual mode mobile terminal which selectively operates in a synchronous (2G) CDMA or an asynchronous (3G) CDMA, a hard

Art Unit: 2665

handoff method from an asynch (3G) CDMA base station to a synch (2G) CDMA base station, comprising: measuring the intensity of an asynch (3G) CDMA common pilot signal generated from the synch (2G) CDMA base station to be handed off; and sending the measured intensity to an asynch (3G) base station that is in communication with the mobile terminal for deciding a hand-off to the synch (2G) CDMA base station (col. 5 – col. 6, line 50).

12. Regarding claims 11 **DeClerck** teaches (fig. 1) a CDMA telecommunication system having synchronous (2G) and asynchronous (3G) systems, comprising: an asynchronous CDMA base station operating in 3G asynchronous CDMA network; and a synchronous CDMA base station operating in a 2G asynchronous CDMA network, wherein the synchronous CDMA base station including: an asynchronous CDMA synchronization channel in order to provide synchronization information for a mobile terminal that is in communication with the asynchronous CDMA base station; and an asynchronous (3G) CDMA communication pilot channel in order for the mobile terminal to measure an intensity of the asynchronous (3G) CDMA common pilot channel (figs. 2 and 3 and col. 5 – col. 6, line 50).

13. Regarding claims 12 **DeClerck** teaches (fig. 1) a synchronous (2G) CDMA base station operating in a 2G synchronous CDMA network, including: an asynchronous CDMA synchronization channel in order to provide synchronization information for a mobile terminal that is in communication with a 3G asynch CDMA network; and an asynchronous (3G) CDMA communication pilot channel in order for the mobile terminal to measure an intensity of the asynchronous (3G) CDMA common pilot channel (figs. 2 and 3 and col. 5 – col. 6, line 50).

***Conclusion***

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Stevens  
Examiner  
Art Unit 2665



STEVEN NGUYEN  
PRIMARY EXAMINER